

Court No. - 3

Case :- WRIT - C No. - 35217 of 2023

Petitioner :- Ajay Kumar Shukla

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Anil Kumar Singh, Jagjeet Singh, Pankaj Kumar Singh

Counsel for Respondent :- C.S.C., Satish Chaturvedi, Sumit Kakkar

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

As per the advertisement dated 9.11.2016, the property in question was to be sold in auction. The petitioner participated in the auction and, thereafter, the sale deed was executed in his favour on 21.12.2017. In the sale deed there is a definite averment at page 6 that possession of the property was handed over to the petitioner.

This writ petition has been filed praying that the possession of the property be handed over to the petitioner.

Learned counsel for the Bank Sri Sumit Kakkar has opposed the writ petition saying that when the sale deed was executed, the petitioner was given possession over the property in question and, therefore, the prayer which the petitioner has now made today is baseless and irrelevant.

Having heard the learned counsel for the parties, we are definitely of the view that the petitioner was given possession when the sale deed was executed as there was a clear averment regarding the transfer of possession in the sale deed itself.

No interference is warranted. The writ petition is, accordingly, dismissed.

Order Date :- 30.10.2023

PK

(Manoj Bajaj, J.) (Siddhartha Varma, J.)